

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

JAN 14 2016

MATTHEW J. DYKMAN
 CLERK

United States District Court

DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Daniel V. Olguin
 YOB: 1986

CASE NUMBER:

16crj133

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my Knowledge and belief, that On or about December 19, 2015, in Valencia County, in the State and District of New Mexico defendant, an Indian, did,

The defendant Daniel V. Olguin, an Indian, did commit an assault with a dangerous weapon, with intent to do bodily harm

in violation of Title 18 United States Code, Section(s) Section 1153, 113 (a)(3)

I further state that I am a Special Agent of the Bureau of Indian Affairs and that this complaint is based on the following facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

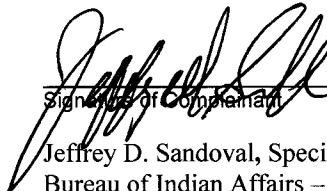


Yes



No

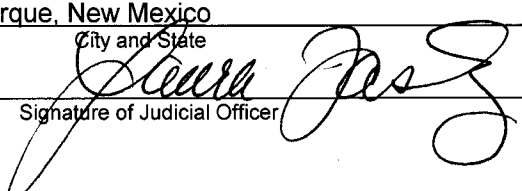
SAUSA – Kyle Nayback


 Signature of Complainant
 Jeffrey D. Sandoval, Special Agent
 Bureau of Indian Affairs – Office of Justice Services

Sworn to before me and subscribed in my presence,

1/14/2016 at Albuquerque, New Mexico
 Date City and State

Laura Fashing, U.S. Magistrate Judge
 Name & Title of Judicial Officer


 Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)

VS.)

Case No: _____

DANIEL VINCENT OLGUIN (YOB: 1986)

AFFIDAVIT

1. I, Jeffrey D. Sandoval have been a Law Enforcement Officer for 25 years and performed law enforcement duties as a Reserve Deputy Sheriff, Police Officer, and Special Agent, while employed with various Law Enforcement entities. For the past 22 years, I have been employed with the Bureau of Indian Affairs (BIA), Law Enforcement Division and am currently a Special Agent. I have completed the Basic Police Officer Training at the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico 1994. I also completed the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia 2003. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Assaults are one of my responsibilities. The information set forth in this affidavit is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers, agencies or agents.

2 Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. I have set forth facts I believe are Necessary to establish Probable Cause to

arrest DANIEL VINCENT OLGUIN (YOB: 1986) for Assault Resulting In Serious Bodily Injury of JANE DOE (YOB: 1986), an intimate partner, in violation of Title 18, United States Code, Section 1153, 113(a)(3)(4)(6)(8). DANIEL VINCENT OLGUIN will be referred to as OLGUIN throughout this affidavit.

3. On December 19, 2015, at about 9:15 p.m., the Isleta Tribal Police Department (IPD) Uniformed Police were dispatched to 3528 Hwy 47 in Bosque Farms, New Mexico in reference a female who had a laceration to her eye and was involved in a domestic violence incident that occurred at a residence located next door to the location of where Isleta EMS and police responded to. When police officers spoke with her, JANE DOE stated that OLGUIN held a knife to her neck and said he was going to kill her if she did it again. Officers asked her what she meant by saying, "Did it again." And JANE DOE said "Cheat on him". JANE DOE identified her assailant as DANIEL OLGUIN (YOB: 1986). JANE DOE stated that OLGUIN beat her up approximately 45 minutes prior to the officers arriving on scene. JANE DOE said she and OLGUIN went to Albuquerque to eat dinner and do some Christmas shopping for her children. JANE DOE had a "Shot" (liquor) with her dinner and OLGUIN had a "Few drinks". After dinner they stopped and purchased an alcoholic beverage for OLGUIN when they stopped at K-mart to buy some presents. OLGUIN did not want to go in to the store. OLGUIN wanted to continue drinking in the parking lot. JANE DOE went in alone. JANE DOE and OLGUIN went to Wal-Mart and OLGUIN stayed in the truck again, drinking his alcoholic beverage. JANE DOE said while she was inside the store (Wal-Mart), her cell phone died and did not realize it at the time. OLGUIN went into the store looking for her (JANE DOE). JANE DOE returned to the truck. OLGUIN began yelling at her and

asking her who she was in the store with because he could not find her in the store and she would not answer her cell phone. JANE DOE stated that she was scared of OLGUIN so she told him she ran into his brother (No name given) and that is why it took so long. JANE DOE stated she just thought of anything quick to tell him so he wouldn't get angrier with her. While JANE DOE was driving back to Isleta, OLGUIN began hitting her and asking her who she was cheating on him with. When they arrived at 3524 Highway 47, they got out of her truck and OLGUIN began punching her in the face and body with a closed fist. OLGUIN threw her to the ground, got on her back and held her down while he was punching her. JANE DOE said she tried to scream for help but every time she tried to scream, OLGUIN would cover her mouth and told her to stop screaming and OLGUIN kept saying, "I'm going to kill you." JANE DOE said she does not remember how or why OLGUIN stopped hitting her, only that he stopped because he "he may have got tired of beating my ass so he stopped hitting me and he told me to get up". JANE DOE said she feared for her life and felt it would be better just to agree with OLGUIN and go along with whatever he told her to do so, he would not get angry and start hitting her again. JANE DOE said it was better to cooperate with OLGUIN so he would not hit her again so JANE DOE "started being nice to him and to do as he said". After JANE DOE got up, OLGUIN made her climb through the bedroom window to get into the house and unlock the door for him. When they got inside, he told her, "You are not going anywhere, change into your pajamas." OLGUIN told her to go to sleep and he was going to take his grandmother, who he takes care of, to the restroom. Once he left the room to help his grandmother, JANE DOE ran out of the house to JANE DOE #2's house to get away from OLGUIN. While she was in JANE DOE #2's bedroom, she heard

OLGUIN ask if JANE DOE was in the house. JANE DOE said when she heard him; she got off the bed and hid in the closet. Officers spoke with JANE DOE #2, who stated that she heard a knock at the door but did not recognize it to be JANE DOE because she was beaten up so badly. JANE DOE#2 let JANE DOE in and told her to go to into the bedroom and would call the EMT's and the Police Officers. While JANE DOE#2 was on the phone with dispatch, OLGUIN walked into her house, unannounced and asked if JANE DOE was in the home. JANE DOE #2 told him JANE DOE was not there, changed the subject, asked him for some movies he had borrowed to be returned and tried to get him out of the house quickly.

4. On December 19, 2015 at 11:12 pm, I received a telephone call from Sgt. Denise Billy with Isleta Tribal Police Department and she informed me of a domestic violence incident which involved a dangerous weapon and resulted in serious bodily injury. JANE DOE was transported to Presbyterian Hospital in Albuquerque, New Mexico for evaluation for her injuries to her face, neck and wrists. JANE DOE's eyes were swollen and bruised.

5. SA SANDOVAL interviewed JANE DOE. JANE DOE is a 29 year-old female and is a member of the Isleta Pueblo Tribe. JANE DOE lives with her family. JANE DOE has three children. JANE DOE said the assault incident begun on Friday, December 18, 2015 and continued through Saturday, December 19, 2015. The incident occurred at 3425 Highway 47, Bosque Farms, New Mexico, which is located on the Isleta Indian Reservation. JANE DOE was with her boyfriend Daniel V. Olguin at LUCERO's residence. OLGUIN lives with his uncle LUCERO. OLGUIN accused her (JANE DOE) of infidelity and they were both drinking whiskey. The incident started with a verbal

argument and turned physical. JANE DOE woke up with two black eyes on Saturday morning, December 19, 2015. OLGUIN would not allow her to leave the residence. OLGUIN followed her to the bathroom to make sure she was in the bathroom. OLGUIN put a knife to her throat and stated, "He should just kill her" (JANE DOE) and OLGUIN repeatedly told her this. JANE DOE has been dating OLGUIN for approximately 6 years. They have a 3 year old child together. Grandmother, LUCERO and LUCERO'S girlfriend were at the residence when the incident occurred. They did not drink with them (OLGUIN and JANE DOE). The domestic violence occurred in OLGUIN'S bedroom Friday, December 18, 2015. OLGUIN prevented her from calling for help by throwing her phone away. OLGUIN strangled her by using both of his hands and pressed on her larynx. JANE DOE kicked him and tried pushing him off of her. JANE DOE indicated this occurred several times. JANE DOE woke up the next morning (Saturday) after 9 am. OLGUIN was already awake and helping his grandmother to go to the restroom. OLGUIN called the EMT'S for his grandmother because she had medical issues (suffered a possible stroke). JANE DOE wanted to tell the EMT'S when they were on scene about the domestic assault but OLGUIN was in close proximity and was afraid that OLGUIN would hear her telling the EMT'S. OLGUIN told her to go back into the bedroom. JANE DOE said one the EMT'S looked at her and JANE DOE felt the EMT had noticed that something was not right. JANE DOE said ABEITA (OLGUINS'S aunt) came over while the EMT'S, were on scene and got upset at them for drinking and she heard her mother may have had a stroke.

6. On Saturday, December 19, 2015, JANE DOE and OLGUIN went to Albuquerque to have dinner. After dinner at approximately 5 pm they went to the Wal-Mart on Carlisle to do some shopping. OLGUIN stayed in the truck and continued to drink while JANE DOE went inside the store. JANE DOE said that OLGUIN came into the store looking for her and was unable to locate her inside the store. JANE DOE went back out to the truck and OLGUIN also returned to the truck and accused her of moving the truck and meeting a male inside the store and being unfaithful. OLGUIN began hitting her while in the parking lot of the Wal-Mart. After the argument and assault, they drove back to Isleta. JANE DOE did say that she had an affair with JARAMILLO (OLGUIN's friend when they were children. JANE DOE said she had been with JARAMILLO twice and the last time she saw JARAMILLO was nine months ago. JANE DOE described OLGUIN as a nice person when he is sober. OLGUIN continually throws JARAMILLO's name in her face because she cheated on OLGUIN with JARAMILLO. OLGUIN is possessive, insecure and a jealous type of person. At 6 pm (same day), JANE DOE and OLGUIN arrive at LUCERO's residence in Bosque Farms. They were going into the house when they discovered the doors were locked. JANE DOE said OLGUIN started to beat her and shoved her face in the dirt. JANE DOE tried to scream for help but OLGUIN covered her mouth with his hand to muffle her scream for help. OLGUIN sat on her chest and strangled her again. OLGUIN used both hands and pushed his thumbs into her throat, after the beating, OLGUIN discovered the window to his bedroom was open. The window is located on the northeast side of the residence. OLGUIN pushed open the window and pushed JANE DOE through the window so she could open the door for him from the inside to allow him inside the residence. JANE DOE did try to locate

her phone to call for help but was unable to locate the telephone inside OLGUIN's bedroom. While inside, OLGUIN helped his grandmother in the restroom. JANE DOE ran outside and to OLGUIN's aunt's residence, located next door on the north side of LUCERO's residence. JANE DOE asked for help and told the aunt that OLGUIN beat her. OLGUIN came over to the residence asking where JANE DOE was and JANE DOE heard his aunt tell him, she (JANE DOE) was not there.

7. The victim is **JANE DOE** (YOB: 1986), a Native American female and an enrolled tribal member of the Isleta Indian Tribe, State and District of New Mexico

8. The suspect is **DANIEL VINCENT OLGUIN** (YOB: 1986), a Native American male and an enrolled tribal member of the Isleta Indian Tribe, State and District of New Mexico.

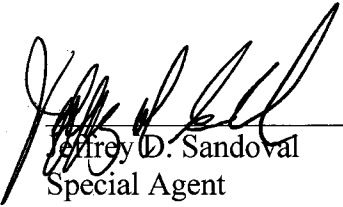
9. The assault occurred at 3425 Highway 47, Bosque Farms, New Mexico; this residence is located in Valencia County, State of New Mexico and is within the exterior boundaries of the Isleta Indian Reservation, State of New Mexico.

10. Based on the above mentioned facts, known to me concerning this investigation, the Affiant believes probable cause exists to arrest **DANIEL VINCENT OLGUIN** for the crime of Assault with a dangerous weapon, with intent to do bodily

harm to the victim, in violation of Title 18, United States Code, Sections 1153 & 113(a)(3)

A review of the criminal complaint was made by Supervisory Assistant United States Attorney Kyle Nayback, State and District of New Mexico

I swear this information is the truth to the best of my knowledge and belief.


Jeffrey D. Sandoval
Special Agent
BIA/OJS Southern Pueblos Agency

Subscribed and sworn to before me
This 14th Day of January 2016


United States Magistrate Judge